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**Golden Bridge Restaurant, LLC and 318 Restaurant Workers Union.** Cases 2–CA–39602 and 2–CA–39709

March 31, 2011

DECISION AND ORDER

BY CHAIRMAN LIEBMAN AND MEMBERS BECKER  
AND HAYES

The Acting General Counsel seeks a default judgment in this case on the ground that the Respondent has withdrawn its answer to the consolidated complaint and amendment to the consolidated complaint. Upon a charge and amended charges filed by 318 Restaurant Workers Union (the Union) in Case 2–CA–39602, and a charge filed by the Union in Case 2–CA–39709, the Acting General Counsel issued an order consolidating cases and consolidated complaint on July 29, 2010, and an amendment to the consolidated complaint on September 1, 2010, against Golden Bridge Restaurant, LLC (the Respondent) alleging that it has violated Section 8(a)(4), (3), and (1) of the Act. The Respondent filed an answer to the consolidated complaint and amendment to consolidated complaint. However, on January 19, 2011, the Respondent withdrew its answer.

On January 26, 2011, the Acting General Counsel filed a Motion for Default Judgment and memorandum in support with the Board. On February 4, 2011, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Respondent filed no response. The allegations in the motion are therefore undisputed.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Ruling on Motion for Default Judgment

Section 102.20 of the Board’s Rules and Regulations provides that the allegations in a complaint shall be deemed admitted if an answer is not filed within 14 days from service of the complaint, unless good cause is shown. In addition, the consolidated complaint affirmatively stated that unless an answer was received by August 12, 2010, the Board may find, pursuant to a motion for default judgment, that the allegations in the consolidated complaint are true. Further, the amendment to the consolidated complaint affirmatively stated that unless an answer was received within 14 days of service of the amendment to the consolidated complaint all allegations in the amendment to the consolidated complaint shall be

deemed to be admitted as true by the Board. The Respondent failed to file an answer within the prescribed time period.

The Region, by letter dated September 24, 2010, notified the Respondent that it had not filed an answer to the consolidated complaint or the amendment to the consolidated complaint, and that unless an answer was received by October 1, 2010, a motion for default judgment may be filed.

On November 17, 2010, the Acting Regional Director issued an order extending the time to file an answer to November 24, 2010. Although the Respondent filed an answer on November 23, 2010, it subsequently withdrew its answer during a settlement conference on January 19, 2011.<sup>1</sup> Such a withdrawal of an answer has the same effect as a failure to file an answer, i.e., the allegations in the consolidated complaint and amendment to consolidated complaint must be considered to be true.<sup>2</sup> Accordingly, we grant the Acting General Counsel’s Motion for Default Judgment.

On the entire record, the Board makes the following

FINDINGS OF FACT

I. JURISDICTION

At all material times, the Respondent, a New York corporation with an office and/or place of business located at 50-52 Bowery Street, New York, New York, has been engaged in the operation of a public restaurant selling food and beverages. Annually, in the course and conduct of its business operations, the Respondent derives gross revenues in excess of \$500,000 and purchases and receives products, goods, and materials valued in excess of \$5000 directly from points located outside the State of New York.

We find that the Respondent is an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act and that the Union is a labor organization within the meaning of Section 2(5) of the Act.

II. ALLEGED UNFAIR LABOR PRACTICES

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of the Respondent within the

<sup>1</sup> The Respondent signed a statement withdrawing its answer and indicating that it had no objection to the Acting General Counsel filing a motion for default judgment. The Respondent further agreed that the allegations of the consolidated complaint and amendment be deemed admitted and that the Board make findings of fact and conclusions of law consistent with those allegations adverse to the Respondent on all issues raised by the pleadings. The Respondent also agreed that the Board may issue an order providing a full remedy for the violations found.

<sup>2</sup> See *Maislin Transport*, 274 NLRB 529 (1985).

meaning of Section 2(11) of the Act and agents of the Respondent within the meaning of Section 2(13) of the Act:

Phillip Wu—Owner

Amy Zheng—Co-owner/Supervisor

Huan Rong—Supervisor

Deng Seng Gang—Supervisor

The Respondent has engaged in the following conduct.

1. On about July 8, 2009,<sup>3</sup> the Respondent, by Rong, in the locker room at the Respondent's facility, threatened to discharge an employee and threatened to harm an employee's family because she supported and engaged in activities on behalf of the Union.

2. On about July 8, 2009, the Respondent discharged Fung Yee Chen and has failed and refused to reinstate, or offer to reinstate, Fung Yee Chen because he engaged in activities on behalf of the Union and other protected concerted activities, and to discourage employees from engaging in these activities.

3. Between May 25 and 31, 2009, the Respondent underpaid dim sum sellers because they supported the Union and engaged in other protected activities, and to discourage employees from engaging in these activities.

4. Since about June 2009, the Respondent informed dim sum sellers that they would have to fill out time and attendance forms not required of other employees because they supported the Union and engaged in other concerted activities, and to discourage employees from engaging in these activities.

5. Since prior to August 18, 2009, the Respondent has maintained the following rule of conduct:

In order to ensure a safe, productive and harmonious work place [t]he Restaurant has certain rules of behavior which must be obeyed. In many cases, common sense and good judgment will tell what behavior is appropriate. While this list is not inclusive, it does provide some examples of conduct that is unacceptable and will lead to disciplinary actions, up to and including termination of employment:

....

<sup>3</sup> The complaint states that the threats and Fung Yee Chen's discharge occurred about July 8, 2010, although it also states that the Respondent failed to reinstate Fung Yee Chen about July 8, 2009. As the charge and amended charges, as well as the motion for default judgment, indicate that the threats and discharge occurred in 2009, the reference in the complaint to July 2010 appears to be an inadvertent error. Accordingly, the date has been corrected to reflect the July 2009 date alleged in the charge.

Publicly disparaging the Restaurant or fellow employees.

6. On about August 23, 2009, employees distributed handbills outside the Respondent's facility, which protested, among other things, the discharge of Fung Yee Chen and expressed support for the Union. On about August 23, 2009, the Respondent, by Zheng, outside the Respondent's facility threatened employees with discharge for violating the rule described above and physically attacked and assaulted employees and others engaged in the activity described above.

7. On about August 24, 2009, the Respondent, by letter, threatened employees with unspecified reprisals for violating the rule described above, and threatened employees with legal action for distributing handbills, as described above.

8. From about October 6 until October 20, 2009, the Respondent laid off the following dim sum sellers: Chen Li Chan, Jie Fang Chen, Chao Qun Zhao, Bei Lian Chen, Li Mei Chen, Lam Xiao Feng, So Mei Lee, Kam Yin Leong, Lai Heng Ng, and Mei Fang Qiu. The Respondent engaged in this conduct because these dim sum sellers supported the Union and engaged in other concerted activities, and to discourage employees from engaging in these activities.

9. On about October 8, 2009, the Respondent issued written warnings to Tong Seng Chen, Kai On Chan, and Chiu Tong Ng. The Respondent engaged in this conduct because these employees engaged in union and protected concerted activities, and to discourage employees from engaging in these activities.

10. On about November 28, 2009, the Respondent suspended Tong Seng Chan and Chiu Tong Ng. The Respondent engaged in this conduct because these employees supported the Union and engaged in other concerted protected activities, and to discourage employees from engaging in these activities.

11. On about November 17, 20, 21, and 29, 2009, the Respondent withheld waiters' tips. The Respondent engaged in this conduct because the waiters supported the Union and engaged in other concerted protected activities, and to discourage employees from engaging in these activities.

12. On about October 20, 2009, the Respondent cut Mei Fang Qiu's wages, and in about February 2010, the Respondent suspended and demoted Mei Fang Qiu because Mei Fang Qiu engaged in activities on behalf of the Union and other protected concerted activities, and to discourage employees from engaging in these activities.

13. The Respondent laid off the following employees, on the dates set forth opposite their respective names:

(i) Kow Chau Lau	December 21, 2009
(ii) Chiu Tong Ng	December 22, 2009
(iii) Wing Gay Cheung	December 22, 2009
(iv) Kai On Chan	January 4, 2010
(v) Kok Chuen Yuen	January 5, 2010
(vi) Jian Wei Feng	January 5, 2010

The Respondent engaged in this conduct because these employees supported the Union and engaged in other concerted activities, and to discourage employees from engaging in these activities. The Respondent also engaged in this conduct because these employees were named as discriminatees, and cooperated with the National Labor Relations Board, in Case 2–CA–36862.

#### CONCLUSIONS OF LAW

1. By the conduct described in paragraphs 1, 5, 6, and 7, above, the Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

2. By the conduct described in paragraphs 2, 3, 4, 8, 9, 10, 11, and 12, above, the Respondent has been discriminating in regard to the hire or tenure or conditions of employment of its employees, thereby discouraging membership in a labor organization, in violation of Section 8(a)(3) and (1) of the Act.

3. By the conduct described in paragraph 13, above, the Respondent has been discriminating against employees for filing charges or giving testimony under the Act in violation of Section 8(a)(4) and (1) of the Act.

4. The unfair labor practices of the Respondent, described above, affect commerce within the meaning of Section 2(6) and (7) of the Act.

#### REMEDY

Having found that the Respondent has engaged in certain unfair labor practices, we shall order it to cease and desist and to take certain affirmative action designed to effectuate the policies of the Act.

Having found that the Respondent violated Section 8(a)(3) and (1) of the Act by discharging Fung Yee Chen and that it violated Section 8(a)(4) and (1) by laying off Kow Chau Lau, Chiu Tong Ng, Wing Gay Cheung, Kai On Chan, Kok Chuen Yuen, and Jian Wei Feng, we shall order the Respondent to offer them full reinstatement to their former jobs or, if those jobs no longer exist, to substantially equivalent positions, without prejudice to their seniority or any other rights or privileges previously enjoyed.

Further, we shall order the Respondent to make whole Fung Yee Chen, Kow Chau Lau, Chiu Tong Ng, Wing Gay Cheung, Kai On Chan, Kok Chuen Yuen, and Jian Wei Feng for any loss of earnings or other benefits suffered as a result of the Respondent's unlawful actions against them. Backpay shall be computed in accordance with *F. W. Woolworth Co.*, 90 NLRB 289 (1950), with interest at the rate prescribed in *New Horizons for the Retarded*, 283 NLRB 1173 (1987), compounded daily as prescribed in *Kentucky River Medical Center*, 356 NLRB No. 8 (2010).

In addition, having found that the Respondent violated Section 8(a)(3) and (1) by suspending, demoting, and reducing the wages of Mei Fang Qiu, we shall order the Respondent to rescind her suspension and demotion and to reinstate Mei Fang Qiu to her former job or, if that job no longer exists, to a substantially equivalent position, without prejudice to her seniority or any other rights or privileges previously enjoyed. We shall also order the Respondent to make Mei Fang Qiu whole for any loss of earnings or other benefits suffered as a result of the Respondent's unlawful actions against her. Backpay shall be computed in accordance with *F. W. Woolworth Co.*, supra (for the unlawful suspension), and *Ogle Protection Service*, 183 NLRB 682 (1970), enfd. 444 F.2d 502 (6th Cir. 1971) (for the unlawful demotion and reduction in wages), with interest at the rate prescribed in *New Horizons for the Retarded*, supra, compounded daily as prescribed in *Kentucky River Medical Center*, supra.

Having found that the Respondent further violated Section 8(a)(3) and (1) of the Act by underpaying dim sum sellers between May 25 and May 31, 2009; by laying off dim sum sellers Chen Li Chan, Jie Fang Chen, Chao Qun Zhao, Bei Lian Chen, Li Mei Chen, Lam Xiao Feng, So Mei Lee, Kam Yin Leong, Lai Heng Ng, and Mei Fang Qiu from October 6–20, 2009; and by withholding waiters' tips on November 17, 20, 21, and 29, 2009; we shall order the Respondent to make the affected employees whole for any loss of earnings or other benefits suffered as a result of the Respondent's unlawful actions against them. Backpay shall be computed in accordance with *F. W. Woolworth Co.*, supra (for the unlawful layoffs), and *Ogle Protection*, supra (for the underpayment and withholding of tips), with interest at the rate prescribed in *New Horizons for the Retarded*, supra, compounded daily as prescribed in *Kentucky River Medical Center*, supra.

In addition, having found that the Respondent violated Section 8(a)(3) and (1) by suspending Tong Seng Chan and Chiu Tong Ng on November 28, 2009, we shall order the Respondent to rescind their suspensions. We shall also order the Respondent to make whole Tong

Seng Chan and Chiu Tong Ng for any loss of earnings or other benefits suffered as a result of the Respondent's unlawful actions against them. Backpay shall be computed in accordance with *F. W. Woolworth Co.*, supra, with interest at the rate prescribed in *New Horizons for the Retarded*, supra, compounded daily as prescribed in *Kentucky River Medical Center*, supra.

Further, having found that the Respondent violated Section 8(a)(3) and (1) by issuing written warnings to Tong Seng Chen, Kai On Chan, and Chiu Tong Ng about October 8, 2009, we shall order the Respondent to rescind the warnings.

The Respondent shall also be required to remove from its files any and all references to the unlawful discharge of Fung Yee Chen; the unlawful layoffs of Kow Chau Lau, Chiu Tong Ng, Wing Gay Cheung, Kai On Chan, Kok Chuen Yuen, and Jian Wei Feng; the unlawful suspension, demotion and reduction in wages of Mei Fang Qiu; the unlawful underpayment of dim sum workers between May 25 and May 31, 2009; the unlawful layoffs of Chen Li Chan, Jie Fang Chen, Chao Qun Zhao, Bei Lian Chen, Li Mei Chen, Lam Xiao Feng, So Mei Lee, Kam Yin Leong, Lai Heng Ng, and Mei Fang Qiu from October 6–20, 2009; the unlawful suspensions of Tong Seng Chan and Chiu Tong Ng on November 28, 2009; the unlawful withholding of waiters' tips on November 17, 20, 21, and 29, 2009; as well as the unlawful written warnings issued to Tony Seng Chen, Kai On Chan, and Chiu Tong Ng about October 8, 2009. The Respondent shall notify the above-named discriminatees in writing that this has been done and that the unlawful references will not be used against them in any way.

Having further found that the Respondent violated Section 8(a)(1) of the Act by maintaining an overly broad rule prohibiting employees from publicly disparaging the Respondent or fellow employees, we shall order the Respondent to rescind the rule and notify its employees in writing that the rule is no longer in force. Having found that the Respondent violated Section 8(a)(3) and (1) of the Act by discriminatorily requiring that dim sum sellers fill out time and attendance forms not required of other employees, we shall order the Respondent to rescind the requirement and notify the dim sum sellers in writing that the requirement is no longer in force.

#### ORDER

The National Labor Relations Board orders that the Respondent, Golden Bridge Restaurant, LLC, New York, New York, its officers, agents, successors, and assigns, shall

##### 1. Cease and desist from

(a) Threatening to discharge employees because they support and engage in activities on behalf of the Union.

(b) Threatening to harm employees' families because the employees support and engage in activities on behalf of the Union.

(c) Discharging, and failing and refusing to reinstate, or offer reinstatement to employees because they engage in activities on behalf of the Union and other protected concerted activities, and to discourage employees from engaging in these activities.

(d) Underpaying employees because they support the Union and engage in other protected concerted activities, and to discourage employees from engaging in these activities.

(e) Informing employees that they have to fill out time and attendance forms not required of other employees because they support the Union and engage in other protected concerted activities, and to discourage employees from engaging in these activities.

(f) Maintaining an overly broad rule of conduct that prohibits employees from publicly disparaging the Respondent or fellow employees.

(g) Threatening employees with discharge for violating the above rule of conduct when employees engage in protected handbill distribution.

(h) Physically attacking and assaulting employees for engaging in protected handbill distribution.

(i) Threatening employees with unspecified reprisals and legal action for engaging in protected handbill distribution.

(j) Laying off employees because they support the Union and engage in other concerted activities, and to discourage employees from engaging in these activities.

(k) Issuing written warnings to employees because they engage in union and protected concerted activities and to discourage employees from engaging in these activities.

(l) Suspending employees because they support the Union and engage in other concerted activities, and to discourage employees from engaging in these activities.

(m) Withholding employees' tips because they support the Union and engage in other concerted activities, and to discourage employees from engaging in these activities.

(n) Reducing employees' wages because they engage in activities on behalf of the Union and other protected concerted activities, and to discourage employees from engaging in these activities.

(o) Demoting employees because they engaged in activities on behalf of the Union and other protected concerted activities and to discourage employees from engaging in these activities.

(p) Laying off employees because they were named as discriminatees in a case before the Board and cooperated in a Board proceeding.

(q) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Within 14 days from the date of this Order, offer Fung Yee Chen, Kow Chau Lau, Chiu Tong Ng, Wing Gay Cheung, Kai On Chan, Kok Chuen Yuen, Jian Wei Feng, and Mei Fang Qiu reinstatement to their former jobs or, if those jobs no longer exist, to substantially equivalent positions, without prejudice to their seniority or any other rights or privileges previously enjoyed.

(b) Make whole Fung Yee Chen, Kow Chau Lau, Chiu Tong Ng, Wing Gay Cheung, Kai On Chan, Kok Chuen Yuen, Jian Wei Feng, Chen Li Chan, Jie Fang Chen, Chao Qun Zhao, Bei Lian Chen, Li Mei Chen, Lam Xiao Feng, So Mei Lee, Kam Yin Leong, Lai Heng Ng, Mei Fang Qiu, and Tong Seng Chan for any loss of earnings and other benefits suffered as a result of the discrimination against them, in the manner set forth in the remedy section of this decision.

(c) Make whole the dim sum employees whom the Respondent underpaid and the waiters from whom the Respondent withheld tips for any loss of earnings and other benefits suffered as a result of the discrimination against them, in the manner set forth in the remedy section of this decision.

(d) Rescind the demotion and suspensions of Mei Fang Qiu.

(e) Rescind the suspensions of Tong Seng Chan and Chiu Tong Ng.

(f) Rescind the written warnings issued to Tong Seng Chan, Kai On Chan, and Chiu Tong Ng.

(g) Within 14 days from the date of this Order, remove from their files all references to the unlawful discharge of Fung Yee Chen and the layoffs of Kow Chau Lau, Chiu Tong Ng, Wing Gay Cheung, Kai On Chan, Kok Chuen Yuen, Jian Wei Feng, Chen Li Chan, Jie Fang Chen, Chao Qun Zhao, Bei Lian Chen, Li Mei Chen, Lam Xiao Feng, So Mei Lee, Kam Yin Leong, Lai Heng Ng, and Mei Fang Qiu, the suspensions of Tong Seng Chan and Chiu Tong Ng, the warnings issued to Tong Seng Chan, Kai On Chan, and Chiu Tong Ng, the withholding of waiters' tips, the underpayment of dim sum sellers, and the reduction in wages of Mei Fang Qiu and her suspension and demotion, and within 3 days thereafter, notify the discriminatees in writing that this has been done and that its unlawful conduct will not be used against them in any way.

(h) Rescind the conduct rule prohibiting employees from publicly disparaging the Restaurant or fellow em-

ployees, and notify employees in writing that this has been done and that the rule is no longer in force.

(i) Rescind the requirement that dim sum sellers fill out time and attendance forms not required of other employees and notify them in writing that this has been done and that the rule is no longer in force.

(j) Preserve and, within 14 days of a request, or such additional time as the Regional Director may allow for good cause shown, provide at a reasonable place designated by the Board or its agents, all payroll records, social security payment records, timecards, personnel records and reports, and all other records including an electronic copy of such records if stored in electronic form, necessary to analyze the amount of backpay due under the terms of this Order.

(k) Within 14 days after service by the Region, post at its facility in New York, New York, copies of the attached notice marked "Appendix."<sup>4</sup> Copies of the notice, on forms provided by the Regional Director for Region 2, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means.<sup>5</sup> Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since May 25, 2009.

(l) Within 21 days after service by the Region, file with the Regional Director for Region 2 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

<sup>4</sup> If this Order is enforced by a judgment of a United States court of appeals, the words in the notice reading "Posted By Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

<sup>5</sup> Consistent with our recently issued decision in *J. Picini Flooring*, 356 NLRB No. 9 (2010), we have ordered the Respondent to distribute the notice electronically if it is customarily communicating with employees by such means. For the reasons stated in his dissenting opinion in *J. Picini Flooring*, Member Hayes would not require electronic distribution of the notice.

Dated, Washington, D.C. March 31, 2011

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Wilma B. Liebman, Chairman

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Craig Becker, Member

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Brian E. Hayes, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD

#### APPENDIX

##### NOTICE TO EMPLOYEES

##### POSTED BY ORDER OF THE

##### NATIONAL LABOR RELATIONS BOARD

##### An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

#### FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join, or assist a union

Choose representatives to bargain with us on your behalf

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities.

WE WILL NOT threaten to discharge you because you support and engage in activities on behalf of the Union.

WE WILL NOT threaten to harm your family because you support and engage in activities on behalf of the Union.

WE WILL NOT discharge you and refuse to reinstate you because you engage in activities on behalf of the Union and other protected, concerted activities, and to discourage you from engaging in these activities.

WE WILL NOT underpay you because you support the Union and engage in other protected concerted activities, or to discourage you from engaging in these activities.

WE WILL NOT inform you that you have to fill out time and attendance forms not required of other employees because you support the Union and engage in other protected concerted activities, and to discourage employees from engaging in these activities.

WE WILL NOT maintain an overbroad rule of conduct that prohibits you from publicly disparaging us or other employees.

WE WILL NOT threaten you with discharge for engaging in protected distribution of handbills.

WE WILL NOT physically attack and assault you for engaging in protected distribution of handbills.

WE WILL NOT threaten you with unspecified reprisals and legal action for engaging in protected distribution of handbills.

WE WILL NOT lay you off because you support the Union and engage in other concerted protected activities, and to discourage you from engaging in these activities.

WE WILL NOT issue written warnings to you because you support or assist the Union and engage in other concerted protected activities, or to discourage you from engaging in these activities.

WE WILL NOT suspend you because you support the Union and engage in other concerted activities, and to discourage you from engaging in these activities.

WE WILL NOT withhold your tips because you support the Union and engage in other protected concerted activities, and to discourage you from engaging in these activities.

WE WILL NOT reduce your wages because you engage in activities on behalf of the Union and other protected, concerted activities and to discourage you from engaging in these activities.

WE WILL NOT demote you because you engage in activities on behalf of the Union and other protected, concerted activities and to discourage you from engaging in these activities.

WE WILL NOT lay you off because you were named as discriminatees in a case before the Board and cooperated in a Board proceeding.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights guaranteed you by Section 7 of the Act.

WE WILL, within 14 days from the date of the Board's Order, offer Fung Yee Chen, Kow Chau Lau, Chiu Tong Ng, Wing Gay Cheung, Kai On Chan, Kok Chuen Yuen, Jian Wei Feng, and Mei Fang Qiu, reinstatement to their former jobs or, if those jobs no longer exist, to substantially equivalent positions, without prejudice to their seniority or any other rights or privileges previously enjoyed.

WE WILL make whole Fung Yee Chen, Kow Chau Lau, Chiu Tong Ng, Wing Gay Cheung, Kai On Chan, Kok Chuen Yuen, Jian Wei Feng, Chen Li Chan, Jie Fang Chen, Chao Qun Zhao, Bei Lian Chen, Li Mei Chen, Lam Xiao Feng, So Mei Lee, Kam Yin Leong, Lai Heng Ng, Mei Fang Qiu, and Tong Seng Chan for any loss of earnings and other benefits suffered as a result of our unlawful conduct, with interest.

WE WILL make whole any dim sum employees whom we underpaid or waiters from whom we withheld tips, for any loss of earnings and other benefits suffered as a result of our unlawful conduct, with interest.

WE WILL rescind Mei Fang Qiu's demotion and suspension.

WE WILL rescind Tong Seng Chan's and Chiu Tong Ng's suspensions.

WE WILL rescind the written warnings issued to Tong Seng Chen, Kai On Chan, and Chiu Tong Ng.

WE WILL, within 14 days from the date of the Board's Order, remove from our files all references to the unlawful discharge of Fung Yee Chen and the layoffs of Kow Chau Lau, Chiu Tong Ng, Wing Gay Cheung, Kai On Chan, Kok Chuen Yuen, Jian Wei Feng, Chen Li Chan, Jie Fang Chen, Chao Qun Zhao, Bei Lian Chen, Li Mei Chen, Lam Xiao Feng, So Mei Lee, Kam Yin Leong, Lai Heng Ng, and Mei Fang Qiu, the suspensions of Tong Seng Chan and Chiu Tong Ng, the warnings issued to

Tong Seng Chen, Kai On Chan, and Chiu Tong Ng, the withholding of waiters' tips, the underpayment of dim sum sellers, and the reduction in wages of Mei Fang Qiu and her suspension and demotion, and WE WILL, within 3 days thereafter, notify the discriminatees in writing that this has been done and that our unlawful conduct will not be used against them in any way.

WE WILL rescind our overbroad rule of conduct that prohibits you from publicly disparaging us or other employees and we will inform you in writing that this has been done.

WE WILL rescind the rule that requires you to fill out time and attendance forms not required of other employees because you support the Union and engage in other protected concerted activities, and to discourage employees from engaging in these activities, and we will inform you in writing that this has been done.

GOLDEN BRIDGE RESTAURANT, LLC